

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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CITYLIGHTS DISTRIBUTION, LLC,	:
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Plaintiff,	:
	:
-against-	:
	:
FANX, INC. d/b/a GAMEDAY VR,	:
	:
	:
Defendant.	:
-----	X

Plaintiff,

23-CV-8397 (VEC)

NOTICE OF INITIAL
PRETRIAL CONFERENCE

FANX, INC. d/b/a GAMEDAY VR,

Defendant.

VALERIE CAPRONI, United States District Judge:

In accordance with Rule 16 of the Federal Rules of Civil Procedure, the Initial Pretrial Conference (“IPTC”) will be held on **December 8, 2023, at 10:00 a.m.** The IPTC will be held in **Courtroom 443** of the Thurgood Marshall United States Courthouse, located at 40 Foley Square, New York, New York 10007.

1. Pursuant to section 2.C of the Court’s Individual Practices in Civil Cases, requests for adjournment of the IPTC or any other conference must be made in writing at least **48 hours** prior to the scheduled conference. The request must state (a) the reason for the proposed adjournment; (b) the original date of the conference; (c) the number of previous requests for adjournment; (d) whether the other party or parties consent(s) and, if not, the reason given for refusing consent; and (e) proposed alternative dates. **This Court encourages plaintiffs to serve defendants promptly.** Requests for adjournment of the IPTC will not necessarily be granted on the ground that one or more defendants have not been served or answered prior to the scheduled IPTC.

2. The parties are directed to submit a joint letter (the “Joint Letter”) of no more than five pages by **November 30, 2023** addressing each of the following in separate paragraphs:

- a) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s);
- b) any contemplated motions;
- c) the basis for subject matter jurisdiction;
- d) the prospect for settlement; and
- e) whether the parties believe a Rule 16 conference would be helpful or whether they believe it is unnecessary and that their proposed Case Management Plan be so ordered.

3. If this case involves claims that arise under the Fair Labor Standards Act (“FLSA”), the joint letter must indicate whether the plaintiff(s) intend to move for certification of a collective and whether the defendant(s) intend to object to such certification. If there will be a disputed motion for a collective, the Court will likely cancel the IPTC, stay discovery, and set a briefing schedule for the motion.

4. The parties are directed to consult the Undersigned’s Individual Practices in Civil Cases and to confer on a Civil Case Management Plan and Scheduling Order. The Individual Practices and Civil Case Management Plan may be found on the Court’s website: <https://nysd.uscourts.gov/hon-valerie-e-caproni>. The parties must submit the jointly proposed Plan to the Court with their Joint Letter. The deadlines proposed in the Court’s form Case Management Plan are generally appropriate for most routine cases. If the parties propose a date for the deadline of fact discovery that is more than 120 days from the date of the IPTC, the Joint Letter must explain why more than four months are needed to conduct fact discovery. The

deadline to complete fact discovery is a firm date and will not be extended absent extraordinarily good cause.

5. Three days before the date of the IPTC, counsel for all parties are required to be registered as filing users in accordance with the Procedures of Electronic Case Filing and to have filed a Notice of Appearance.

6. Plaintiff's counsel, or the defendant's counsel in removed cases, is responsible for distributing copies of this Notice to all parties. If the summons and complaint have already been served (or, for removed cases, the notice of removal), counsel must distribute this Notice **within five days** and file proof of such distribution **within seven days** of this Notice's issuance. If the summons and complaint have not yet been served, Plaintiff's counsel may serve this Notice at the same time as the summons and complaint.

SO ORDERED.

Date: October 2, 2023
New York, New York

Valerie Caproni

VALERIE CAPRONI
United States District Judge